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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **DALLAN A. LOUIS,**

15 Plaintiff,

16 v.

17 **PUCKETT, et al.,**

18 Defendants.  
19

C 07-6293 JSW

**DECLARATION OF TRACE  
O. MAIORINO IN SUPPORT  
OF DEFENDANT  
PUCKETT'S MOTION FOR  
AN EXTENSION OF TIME  
TO FILE A DISPOSITIVE  
MOTION**

20 I, TRACE O. MAIORINO, declare:

21 1. I am an attorney admitted to practice before the courts of the State of California and  
22 before this Court. I am employed by the California Attorney General's Office as a Deputy  
23 Attorney General in the Correctional Law Section, and I am assigned to represent Defendant  
24 Puckett in this case. I am competent to testify to the matters in this declaration, and if called  
25 upon to do so, I would and could so testify.

26 2. Plaintiff Dallan A. Louis is a state prisoner currently incarcerated at Salinas Valley  
27 State Prison (Salinas Valley), in Soledad, CA.

28 3. Plaintiff filed his complaint on December 12, 2007, alleging a violation of his civil

1 rights under 42 U.S.C. § 1983 while incarcerated at Salinas Valley. The Court issued its Order of  
 2 Service and found that Plaintiff had stated a cognizable claim that Defendant had violated  
 3 Plaintiff's First Amendment rights by withholding his mail. The Court ordered Defendant to file  
 4 a dispositive motion no later than June 23, 2008.

5 4. On behalf of Defendant, I am seeking a sixty-day extension of time from the current  
 6 deadline of June 23, 2008 to file a dispositive motion, up to and including Friday, August 22,  
 7 2008. This is the first request for an extension of time following the Court's Order of Service.  
 8 The basis for Defendant's request is as follows:

9 a. The necessary documents and witnesses have been unavailable. Additional time  
 10 is needed to complete the investigation and procurement of the necessary information to prepare  
 11 Defendant's dispositive motion.

12 a. I am presently completing discovery requests on behalf of five Defendants in an  
 13 unrelated matter due on June 23, 2008.

14 b. I was responsible for preparing two separate dispositive motions in unrelated  
 15 matters due on May 30, 2008 and June 5, 2008, respectively.

16 c. I was on vacation from June 7-16, 2008.

17 d. Finally, I am currently handling the discovery matters in another lawsuit set for  
 18 trial on November 3, 2008.

19 5. Plaintiff is currently incarcerated and is not readily available to stipulate to an  
 20 extension of time for the dispositive motion deadline. Because it is difficult to deliver this  
 21 motion on the same day that it is filed, Defendant will serve Plaintiff a copy of this motion by  
 22 overnight mail.

23 6. This request for an extension is not made for any purpose of harassment or undue delay  
 24 and Plaintiff should not be prejudiced in any way.

25 I declare under penalty of perjury that the foregoing is true and correct and that this  
 26 declaration was executed on June 20, 2008 at San Francisco, California.

27   
 28 TRACE O. MAIORINO